

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HAROLD RAY THORNSBURY

COMPLAINANT

vs.

FLEMING COUNTY WATER ASSOCIATION

DEFENDANT

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) CASE NO. 98-062  
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ORDER

The Commission, on its own motion, HEREBY ORDERS that:

1. The Complaint Investigation Report, attached hereto as Appendix A and incorporated herein by reference, is made a part of the record in this case.
2. A formal hearing shall be held in this matter on May 22, 1998 at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky. The Complainant and the Defendant shall appear and present testimony in support of their respective positions.

Done at Frankfort, Kentucky, this 5th day of May, 1998.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director

APPENDIX A

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC  
SERVICE COMMISSION IN CASE NO. 98-062 DATED 5/5/98

Commonwealth of Kentucky  
Public Service Commission

**COMPLAINT INVESTIGATION REPORT**

Harold Ray Thornsby  
vs  
Fleming County Water Association

On March 31, 1998, an investigation was made of the Mudlick Mountain area, Lewis County, Kentucky, on the basis of a formal complaint filed with the Public Service Commission on January 15, 1998, from Harold Ray Thornsby ("Complainant"). The subject investigation was conducted by K. Michael Newton of the Commission staff with information provided by Gene Jett, manager of Fleming County Water Association ("Fleming Water") and the complainant.

Investigation

The investigation included the general inspection of the distribution system, review of related correspondence, and interviews with both the complainant and the manager of Fleming Water.

In the Fall of 1997, Gene Jett on behalf of Fleming Water met with Harold Ray Thornsby to discuss the possibility of obtaining an easement across Harold Thornsby's property to construct a water line. Gene Jett states Fleming Water wanted to construct a water line cross-country approximately 4,500 feet on the complainant's property in order to connect two separate water lines together. If Fleming Water could cross the complainant's property, it could circumvent a wide turn in the road saving a few hundred feet of pipe expense plus bypass some rough and steep terrain. Harold Ray Thornsby

agreed to provide Fleming Water with a right-of-way easement if Fleming Water would agree to set a meter at his property line and waive the connection fee of \$400. Currently, Harold Ray Thornsby has a cistern to provide his water service to his home. Gene Jett stated that Fleming Water has never paid anyone for an easement across their property since the utility was established. Gene Jett further instructed the complainant that the only possible way to set a free meter would be if Harold Thornsby would agree to do a portion of the labor in lieu of the \$400 tap fee. This would require the complainant to clean up the ditch area after construction of the water line, plus re-seed and pick up any rocks. However, this would first have to be approved by the Fleming Water board of directors.

The complainant states the option of clean up, re-seeding, and removal of rock was not an option he would consider in order for Fleming Water to waive the connection fee due to the physical work involved. The complainant instructed Gene Jett that Fleming Water could, therefore, not have an easement across his property.

A general inspection of the water system in the Mudlick Mountain area reveals Fleming Water has three different size water lines; one runs parallel to Beech Creek Road (3-inch), one runs parallel to Highway 344 from Hilda to Petersville (6-inch), and one runs parallel to Highway 344 from Mud Lick Branch to Fleming/Lewis County line (4-inch). A map showing the location of these three water lines along with the location of the complainant's property is included as an exhibit of this report. Fleming County's distribution system has a connection between the 3-inch and 6-inch water line but these water lines do not connect to the 4-inch water line. In order to improve the hydraulics, Fleming Water would like to make the connection across the complainant's property to the 4-inch water

line to eliminate a dead-end water main, plus have the option of serving the Mudlick Mountain area from three separate directions.

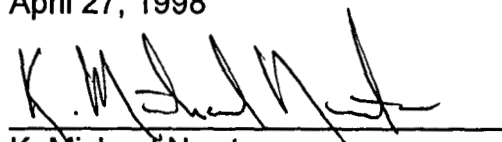
In late November or early December of 1997, the complainant entered the offices of Fleming Water and deposited \$400 to have a meter set on his property. Gene Jett refused water service to the complainant due to his failure to grant an easement according to Fleming Water's tariffed rules and regulations (sheet 4 - third revision sheet no. 2).

#### Conclusions

The complainant's home is within approximately 500 feet from the existing 6-inch water line which runs parallel to Highway 344 from Hilda to Petersville. A meter could be set near the complainant's property line from a service connection tap off this existing 6-inch water line. The construction of the water line across the complainant's property does not prohibit the availability of the complainant to receive water service from the existing distribution system.

Fleming Water's construction of the water line across the complainant's property to connect the 4-inch and 6-inch water line would reinforce the hydraulics of the distribution system in this area, however no evidence has been provided in this case by Fleming Water to demonstrate a current water problem either volume or pressure which would necessitate the immediate construction of this water line.

Submitted,  
April 27, 1998



K. Michael Newton  
Utility Investigator

KMN:aem

# Fleming County Water Association

